

**UNITED STATES DISTRICT COURT**  
**Western District of North Carolina**

**FILED**  
 ASHEVILLE, N. C.

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U. S. DISTRICT COURT  
 W. DIST. OF N. C.

UNITED STATES OF AMERICA

v.

Case Number CR B-CR-92-56-01

MARVIN JOE PATTERSON  
 Defendant.

**JUDGMENT IN A CRIMINAL CASE**  
**(For Offenses Committed On or After November 1, 1987)**

The defendant, MARVIN JOE PATTERSON, was represented by Stanley D. Young.

On motion of the United States the court has dismissed count(s) 1,3,4.

The defendant pleaded guilty to count(s) 2. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21 USC 841(a)(1)	Distribute morphine sulfate, Sch. I, and meperidine, and the death of Tracy Sue Carroll resulted from the use of the morphine and meperidine so distributed	5/21/92	2

As pronounced on November 29, 1993, the defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, for count(s) 2, which shall be due, without interest, at such times and in such amounts as the Bureau of Prisons or the Probation Office may request.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 6 day of January, 1994.

  
 United States District Judge

Defendant's SSAN: 244-43-2288  
 Defendant's Date of Birth: 2-25-68  
 Defendant's address: Box 471-A, Old Peachtree Rd., Marble, N. C. 28905

Defendant: MARVIN JOE PATTERSON  
Case Number: CR B-CR-92-56-01

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 240 months.

The defendant is remanded to the custody of the United States Marshal.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: MARVIN JOE PATTERSON  
Case Number: CR B-CR-92-56-01

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. If ordered to the custody of the Bureau of Prisons, the defendant shall report in person to the probation office in which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm, destructive device or other dangerous weapon.
4. Obey standard conditions of supervised release.
5. Participate in a program of drug and alcohol treatment and testing as directed by the Probation Office.
6. Provide Probation Office with access to any requested financial information.

### STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this Judgment:

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Defendant: MARVIN JOE PATTERSON  
Case Number: CR B-CR-92-56-01

**FINE**

The defendant shall pay a fine of \$ 3,000.00. This fine includes any costs of incarceration and supervision.

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived. The Court further finds that the Defendant does not have the ability to pay the amount of the fine called for by the guidelines.

This fine shall be paid at such times and in such amounts as the Bureau of Prisons or the Probation Office may request.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: MARVIN JOE PATTERSON  
Case Number: CR B-CR-92-56-01

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution to the following persons in the following amounts:

<b><u>Name of Payee</u></b>	<b><u>Amount of Restitution</u></b>
Barbara Carroll 570 Ford Rd., Warne, N. C. 28909	\$4,600.00, without interest, jointly & severally with co- defendants

Payments of restitution are to be made to the Clerk, U. S. District Court.

Restitution shall be paid on a schedule approved by the Probation Office and/or the Bureau of Prisons.

If there are multiple payees, any payment not made directly to a payee shall be divided proportionately among the payees named unless otherwise specified here:

Defendant: MARVIN JOE PATTERSON  
Case Number: CR B-CR-92-56-01

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	35
Criminal History Category:	III
Imprisonment Range:	240 months to 262 months
Supervised Release Range:	3 to 5 years
Fine Range:	\$ 20,000 to \$ 1,000,000
Restitution:	\$ 4,600

The fine is waived or is below the guideline range because of the defendant's inability to pay.

The sentence is within the guideline range, that range exceed 24 months, and the sentence is imposed for the following reason:  
Court elected to follow the plea agreement and that the Defendant did bring the drugs to the party for use by the other participants.